

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MICHAEL W.,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00006

MICHELLE A. KING,  
*Acting Commissioner of Social Security,*

Defendant.

**MEMORANDUM OPINION AND ORDER**

By *Standing Order* (Document 3) entered on January 5, 2024, this action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On January 10, 2025, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 12) wherein it is recommended that: the Plaintiff's request for remand (Document 7) be granted; the Defendant's request to affirm the final decision (Document 8) be denied; the final decision of the Acting Commissioner be reversed; and the matter be remanded to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 24, 2025, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that district courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that: the Plaintiff's request for remand (Document 7) be **GRANTED**; the Defendant's request to affirm the final decision (Document 8) be **DENIED**; the final decision of the Acting Commissioner be **REVERSED**; the matter be **REMANDED** to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings; and this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: January 28, 2025



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA